

### **REMARKS**

In the March 8, 2006 Office Action, claims 1-3, 8 and 15-19 stand rejected in view of prior art, while claims 10 and 12-14 were indicated as containing allowable subject matter. Claims 4-7, 9, 11 and 20 are withdrawn from further consideration. Claim 15 was objected to for containing informalities. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the March 8, 2006 Office Action, Applicants have amended claims 2, 4, 6, 8-10, 15 and 19 and canceled claims 1, 3, 5, 7, 11, 18 and 20 as indicated above. Applicants wish to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Thus, claims 2, 4, 6, 8-10, 12-17 and 19 are pending, with claims 10 and 19 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Election of Species***

In page 2 of the Office Action, Applicants' election without traverse in the reply filed on February 14, 2006 was acknowledged. Thus, non-elected claims 4-7, 9, 11 and 20 were withdrawn from further consideration. However, Applicants respectfully request that non-elected claims 4, 6 and 9 be rejoined in this application upon allowance of a generic or linking claim, or claims.

#### ***Priority***

In page 2 of the Office Action, receipt of the certified copies of the priority documents was acknowledged.

### ***Information Disclosure Statement***

In page 2 of the Office Action, the Office Action indicates that Information Disclosure Statement submitted on April 20, 2004 was considered by the Examiner.

### ***Claim Objections***

In page 3 of the Office Action, claim 15 was objected to for containing informalities. In response, Applicants have amended claim 15 to correct a typographical error in this claim. Applicants believe claim 15 is now correct. Thus, withdrawal of the objection is respectfully requested.

### ***Rejections - 35 U.S.C. § 102***

In pages 3 and 4 of the Office Action, claims 1, 8 and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,717,281 to Brandon et al. (hereinafter "Brandon et al. patent"). In response, Applicants have canceled independent claim 1. Thus, Applicants believe the rejection as applied to claim 1 is now moot.

Moreover, independent claim 19 has been amended to include limitations that substantially correspond to the limitations recited in claim 10, which was indicated as containing allowable subject matter. In particular, independent claim 19 now recites the driven wheel drive controlling means for controlling the first and second electrical power supplying means to stop flows of drive currents to the non-permanent magnet electric motor means when a vehicle speed is equal to or greater than a prescribed vehicle speed. Clearly, this structure is ***not*** disclosed or suggested by the Brandon et al. patent or any other prior art of record.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose ***each*** and ***every*** element of the claim within the reference. Therefore,

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Applicants respectfully submit that claim 19, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claim 8 is also allowable over the prior art of record in that this claim now depends from independent claim 10, which was indicated as containing allowable subject matter and rewritten in independent form. Also, dependent claim 8 is further allowable because this claim includes additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 10, neither does the prior art anticipate dependent claim 8.

Applicants respectfully request withdrawal of the rejection.

***Rejections - 35 U.S.C. § 103***

In paragraphs 4-8 of the Office Action, claims 1, 2, 3, 8 and 15-19 stand rejected under 35 U.S.C. §103(a). More specifically, claim 2 is rejected as being unpatentable over the Brandon et al. patent in view of U.S. Patent No. 5,382,854 to Kawamoto et al. (hereinafter "Kawamoto et al. patent"). Claims 15-17 are rejected as being unpatentable over the Brandon et al. patent in view of U.S. Patent No. 6,449,552 to Ohba et al. (hereinafter "Ohba et al. patent"). Claims 1, 3, 8 and 19 are rejected as being unpatentable over U.S. Patent No. 6,622,804 to Schmitz et al. (hereinafter "Schmitz et al. patent") in view of the Brandon et al. patent. Claim 2 is further rejected as being unpatentable over the Schmitz et al. patent in view of Brandon et al. patent and further in view of the Kawamoto et al. patent. Claims 15-19 are further rejected as being unpatentable over the Schmitz et al. patent in view of Brandon et al. patent and further in view of the Ohba et al. patent. In response, Applicants have canceled independent claim 1 as indicated above. Thus, Applicants believe the rejection as applied to claim 1 is now moot. Moreover, independent claim 19 has been amended to

include limitations that substantially correspond to the limitations recited in claim 10, which was indicated as containing allowable subject matter.

More specifically, independent claim 19 now recites the driven wheel drive controlling means for controlling the first and second electrical power supplying means to stop flows of drive currents to the non-permanent magnet electric motor means when a vehicle speed is equal to or greater than a prescribed vehicle speed.

Clearly this arrangement is *not* disclosed or suggested by the Brandon et al. patent, Kawamoto et al. patent, the Ohba et al. patent, the Schmitz et al. patent, or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a drive apparatus for a vehicle.

Moreover, Applicants believe that dependent claims 2, 8 and 15-17 are also allowable over the prior art of record in that they now depend from independent claim 10, which was indicated as containing allowable subject matter. Also, dependent claims 2, 8 and 15-17 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 10, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that these rejections be withdrawn in view of the above comments and amendments.

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***Allowable Subject Matter***

In pages 8 and 9 of the Office Action, claims 10 and 12-14 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended claim 10 to place this claim in independent form. Thus, independent claim 10 is believed to be allowable.

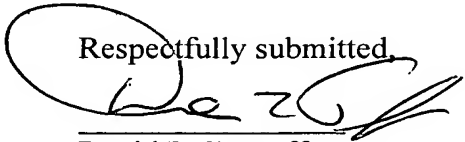
***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 2, 4, 6, 8-10, 12-17 and 19 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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